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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

FEDERAL TRADE COMMISSION

Plaintiff,

v.

MICROSOFT CORPORATION,

and

ACTIVISION BLIZZARD, INC.,

Defendants.

Case No. 23-cv-02880-JSC

**[PROPOSED] ORDER GRANTING NON-  
PARTY NINTENDO OF AMERICA INC.  
STATEMENT PURSUANT TO LOCAL  
RULE 79-5(f) AS TO WHY PX3218,  
PX3225, PX3233 AND PX3234 SHOULD  
REMAIN UNDER SEAL**

**[PROPOSED] ORDER**

Having considered Nintendo of America Inc.'s ("NOA") Statement Pursuant to Civil Local Rule 79-5(f) As to Why PX3218, PX3225, PX3233 and PX3234 Should Remain Under Seal, the Court ORDERS that the below designated documents remain redacted and kept under seal.

<b>Exhibit No.</b>	<b>Portion of Document Sought to be Sealed</b>	<b>Reasons for Sealing</b>
PX3218	Entire document.	This exhibit is a sensitive and confidential email that is a continuation of the email thread contained in RX2106, which was addressed in NOA's previous Local Rule 79-5 Statement (Dkt. No. 168) and corresponding Declaration (Dkt. No. 168-2) filed on June 21, 2023. Thus, the factual basis for the confidentiality of PX3218, and the harm that would occur if it is not kept under seal, is discussed in that Declaration at paragraph 9.
PX3225	Attachment to email. <ul style="list-style-type: none"> <li>PX3225-002 to PX3225-005.</li> </ul>	This email contains a draft agreement between Nintendo and Microsoft, including proposed edits and redlines. Such information is highly confidential as it reveals the negotiation process for a contractual agreement. Public disclosure would result in competitive harm to Nintendo as competitors would undoubtedly use such information in potential future negotiations with Nintendo.
PX3233	Attachment to email. <ul style="list-style-type: none"> <li>PX3233-002 to PX3233-005.</li> </ul>	This email contains a draft agreement between Nintendo and Microsoft, including proposed edits and redlines. Such information is highly confidential as it reveals the negotiation process for a contractual agreement. Public disclosure would result in competitive harm to Nintendo as competitors would undoubtedly use such information in potential future negotiations with Nintendo.

PX3234	Entire document.	This exhibit is a sensitive and confidential email that is a continuation of the email thread contained in PX3219, which was addressed in NOA's previous Local Rule 79-5 Statement (Dkt. No. 168) and corresponding Declaration (Dkt. No. 168-2) filed on June 21, 2023. Thus, the factual basis for the confidentiality of PX3234, and the harm that would occur if it is not kept under seal, is discussed in that Declaration at paragraph 9.
All NOA Exhibits	All NOA email addresses.	All of NOA's exhibits contain internal Nintendo email addresses. There is no public interest in such information and therefore no legitimate need for it to be publicly disclosed.

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
HON. JACQUELINE SCOTT CORLEY  
United States District Judge